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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/065,526	10/25/2002	Craig Duray Brossman	BLD920010031	2143
33595 7590 05/01/2007 INTERNATIONAL BUSINESS MACHINES CORPORATION 9000 SOUTH RITA ROAD TUCSON, AZ 85744			EXAMINER ROHWER, JACOB P	
			ART UNIT 2625	PAPER NUMBER
			MAIL DATE 05/01/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Office Action Summary**

Application No.

10/065,526

Applicant(s)

BROSSMAN ET AL.

Examiner

Jacob P. Rohwer

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 6 Feb 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 October 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                                | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

**Claims 11-15 and 20** are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. The claims need to recite, "a computer readable medium storing a computer program product" in the preamble in order for the claim(s) to be statutory. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

**Claims 1-2, 4-7, 9-12 and 14-15** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent No 5,467,434 to Hower, Jr et al, in view of US Patent No 6,433,882 to Mori et al.

Regarding claim 6, Hower Jr discloses an apparatus comprising:

a plurality of printers, each having printer capabilities that vary from other printers; (**Fig 2 12-1 through 12-N, Col 3 Lin 40-47**)

an information handling system (**Fig 2 #25 and #37**) communicating with said plurality of printers for selectively transmitting thereto specific print source files, (**Col 4**

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**Lin 28-40)** said information handling system having a processor and memory associated with said processor; **(Col 4 Lin 49-64 discloses the combination examiner (#37) stores printer profiles so that printer capabilities can be compared to the desired options designated in the print job ticket.)**

program instructions stored in said memory accessible to said processor **(Col 4 Lin 52-55)** and effective when executing on said processor to:

allow an operator to select for a specific print source file **(Col 3 Lin 50-66)** set of desired printer options stored in a job ticket associated with the print source file; **(Fig 2 #16, Fig 4-5, Col 4 Lin 2-10)**

retain a set of definitions of printer capabilities for each of said plurality of printers; **(Col 4 Lin 49-51)**

compare the operator selected printer options with a definition of printer capabilities and then **(Col 4 Lin 52-55)**

if the printer options are available within the defined capabilities then  
sending the print source file to a selected printer which is responsive; **(Fig 8 discloses an example of evaluation of one desired option corresponding to a plurality of printer profiles and Col 6 Lin 5-19 discloses this comparison is done for all the desired print options, Fig 8 #72-1 discloses the job ticket and corresponding file is sent to the responsive printer's queue.)** and

signal an error if the printer options are unavailable within the defined capabilities. **(Fig 8 #54, Col 6 Lin 20-27)**

While Hower Jr. discloses using a high degree of generality with respect to comparing printer options with profiles for a wide variety of printer families and their corresponding parameters and rules, **(Col 9 Lin 14-35)** he does not *expressly* disclose that the original printer options selected via that user interface are *device independent* printer options that are then converted to at least one printer specific command for use in the output of the job on one of the plurality of printers.

However, Mori discloses a printing system wherein, which uses a GDI and Enhanced Meta Files to indicate commands for printing, and further that the EMF's are converted to device dependent codes associated with a particular type of printer. **(Fig 2(b), Col 2 Lin 26-31, Col 6 Lin 14-28 and 56-62, Col 7 Lin 33-41 and Col 8 Lin 45-67, Fig 5, 6 and 12 give examples of some printer options.)**

At the time of the invention it would have been obvious to one of ordinary skill in the art, to use conversion from device independent commands to device dependent commands as specified in Mori, in order to process the print job as specified in Hower Jr.

The suggestion/motivation for doing so would have been to provide correct output of the desired print job according to a particular type of printer, **(Mori, Col 2 Lin 26-31)** in response to designated printer options entered by the user and compared using the combination examiner as specified in Hower, Jr.

Therefore, it would have been obvious to combine the Hower Jr and Mori Patents in order to obtain the invention as specified in claim 6.

Regarding claim 7, the combination further discloses in Mori that at least two of the stored definitions for the printing device data and capabilities are in differing command formats. **(Fig 14 #30(a) and #30(b), Col 7 Lin 1-13)**

Regarding claim 9, Mori further discloses the apparatus according to claim 6 wherein said program instructions when executing on said processor are further effective to incorporate into a printable format data file the at least one printer specific command. **(Col 8 Lin 45-56)**

Regarding claim 10, Hower, Jr. further discloses the apparatus according to claim 6 wherein said program instructions when executing on said processor are further effective to signal at least a selected one of c) a message indicating that the requested option capability exceeds limits available to a printer which has a limited capability for the requested option. **(Fig 8 #54)**

Regarding claims 1-2 and 4-5, please see rejections of claims 6-7 and 9-10 above. Additionally the apparatus of claims 6-7 and 9-10 performs the methods of claims 1-2 and 4-5.

Regarding claims 11-12 and 14-15, please see rejections of claims 6-7 and 9-10 above. Additionally, Hower, Jr discloses a program. **(Col 4 Lin 49-55)**

**Claims 3, 8 and 13** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hower, Jr and Mori as specified in claims 1, 6 and 11 above, further in view of US Patent Application Publication No 2002/0015180 to Tominaga.

Regarding claim 8, the combination does not expressly disclose that at least three of the stored definitions and printer device data and capabilities are in differing command formats.

However, Tominaga has been found to disclose a document server that provides RIP processing according to at least three command formats. **(Fig 12 #1203(a-c), Para [0115])**

At the time of the invention it would have been obvious to one of ordinary skill in the art to modify the combination of Hower, Jr and Mori to provide the processing of print jobs in three differing command formats as specified in Tominaga.

The suggestion/motivation for doing so would have been to provide a printing environment that can output a specified job, according to differing command formats. This would allow a wider variety of output jobs on more printers.

Therefore it would have been obvious to combine Hower, Jr and Mori with the Tominaga Publication in order to obtain the inventions as specified in claim 8.

Regarding claim 3, please see rejections of claim 8 above. Additionally the apparatus of claim 8 performs the methods of claim 3.

Regarding claim 13, please see rejections of claim 8 above.

**Claims 16-20** are rejected under 35 U.S.C. 103(a) as being unpatentable over Hower, Jr and Mori as specified in claims 1, 6 and 11 above, further in view of US Patent No 6,476,927 to Schwarz Jr.

Regarding claim 18, the combination does not expressly disclose an apparatus according to claim 6 wherein said program instructions when executing on said

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processor are further effective to allow the operator to select a specified printer of the plurality of printers for the specific print job.

However, Schwarz Jr discloses a system of creating a print job ticket wherein program instructions executed on a processor are effective to allow the operator to select a specified printer amongst a plurality of printers for a specific print job. **(Col 5 Lin 17-26)**

At the time of the invention it would have been obvious to one of ordinary skill in the art, to use the printer override option allowing an operator to select a specific printer as specified in Schwarz, Jr., when outputting a print job as specified in the combination of Hower, Jr and Mori.

The suggestion/motivation for doing so would have been to allow clients to designate a specific printer that he/she desires, without going through the comparison processing as specified in Hower, Jr.

Therefore, it would have been obvious to combine Schwarz, Jr with the combination of Hower, Jr and Mori in order to obtain the invention as specified in claim 18.

Regarding claim 19, the combination further discloses in Schwarz Jr, an apparatus according to claim 18 wherein said program instructions when executing on said processor are further effective to compare the definition of printer capabilities for the specified printer with the set of device independent printer options to determine if the device independent set of desired printer options is within the defined capabilities of the specified printer. **(Fig 7 #74)**



Regarding claims 16-17, please see rejections of claims 18-19 above.

Additionally the apparatus of claims 18-19 performs the methods of claims 16-17.

Regarding claim 20, please see rejection of claim 18 above. Additionally, Hower, Jr discloses a program. **(Col 4 Lin 49-55)**

### ***Response to Arguments***

Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jacob P. Rohwer whose telephone number is 571-272-5509. The examiner can normally be reached on M-F 9:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Aung Moe can be reached on 571-272-7314. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Jacob P Rohwer


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Assistant Examiner  
Art Unit 2625

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